

BEFORE THE LIQUIFIED PETROLEUM GAS SAFETY BOARD

STATE OF IDAHO

In the Matter of the License of:

ALAN L. KOYLE,
License No. PGD-326,

K-ENERGY, INC., dba Permagas-Filer,
License No. PGLF-546,

K-ENERGY, dba Permagas-Gooding,
License No. PGLF-545,

Respondents.

Case No. LPG-2008-1
LPG-2008-2
LPG-2008-3

FINAL ORDER

THIS MATTER came before Kenneth L. Mallea, the designated Hearing Officer on the 18th day of April, 2008. The Idaho Liquid Petroleum Gas Safety Board ("Board") appeared by its attorney of record, Emily Mac Master, Idaho Deputy Attorney General. Respondents were represented by Tony Valdez. On August 6, 2008, the Hearing Officer submitted his Findings of Fact, Conclusions of Law and Recommended Order.

This matter then came before the Board at a regularly scheduled meeting on November 6, 2008. After a review of the record in this matter, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.

FINAL ORDER - 1.

2. That Respondent's actions of operating facilities in Filer and Gooding prior to May 9, 2007, without issuance of an Idaho PGLF license constitute a violation of Idaho Code Section 54-5304. Based upon certain mitigating circumstances, including Mr. Koyle's criminal citation; the time, effort and expense of bringing the LPG facilities into compliance; and the time and expense involved in this proceeding, the Board imposes the following discipline:

a. Respondent shall pay a fine in the amount of One Hundred Dollars (\$100.00). This fine shall be paid within thirty (30) days from the date of this Order.

3. This is the Final Order of the Board.

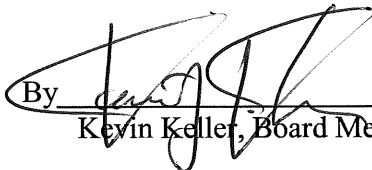
a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4)).

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 21 day of November, 2008.

IDAHO LIQUEFIED PETROLEUM GAS
SAFETY BOARD

By _____
Kevin Keller, Board Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of November, 2008, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Anthony M. Valdez
P.O. Box 366
Twin Falls, ID 83303-0366

☒ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission

Emily A. Mac Master
Deputy Attorney General
Office of the Idaho Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☒ U.S. Mail
☒ Hand Delivered
☐ Federal Express
☐ Fax Transmission

_____
Tana Cory, Bureau Chief

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